

INFORMATION SHEET

DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE: Saint Paul District

FILE NUMBER: MVP-2005-1176-DJP

PROJECT MANAGER: Dale J. Pfeiffle

PROJECT REVIEW/DETERMINATION COMPLETED: In the office? Y ☒ N ☐ **Date:** March 10, 2005
At the project site? Y ☐ N ☐ **Date:**

PROJECT LOCATION INFORMATION:

State: **Wisconsin**

County: **Kenosha**

Center coordinates of site by latitude & longitude: **42.5569488134N, 88.0799741937W**

Approximate size of site/property (including uplands) in acres: **67**

Name of waterway or watershed: **Upper Fox, Illinois, Wisconsin**

Type of Aquatic Resource ¹ :	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear Ft	Unknown
Lake									
River									
Stream									
Mudflat									
Sandflat									
Wetlands			X						
Slough									
Prairie Pothole									
Wet Meadow									
Playa Lake									
Vernal Pool									
Natural Pond									
Other Water (identify type)									

¹Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors ¹	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able to Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?			X		
Is or would be used as habitat by other migratory birds that cross state lines?			X		
Is or would be used as habitat for endangered species?				X	
Is used to irrigate crops sold in interstate commerce?				X	

¹Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

TYPE OF DETERMINATION: Preliminary ☐ Or Approved: ☒

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ADDITIONAL INFORMATION SUPPORTING njd (e.g., paragraph 1 site conditions; paragraphs 2-3 rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 site information on waters of the U.S. occurring onsite): **A wetland delineation was received at the Waukesha office for jurisdictional review and concurrence. The wetland delineation was completed on a 67-acre agricultural parcel. Four separate wetlands, with a total area of approximately 3.5 acres were identified at the site. The delineation report suggested that one of the wetlands is confined to a depression and that two wetlands formed in drainage ways leading to the depression. A review of available aerial photography, the Kenosha County soil survey, and the USGS Paddock Lake quadrangle verified the consultant's observation that the wetlands are confined to a depressional area. The fourth wetland is not associated with the other three wetlands. The remote sensing resources referenced above indicate that this wetland is also isolated. The four wetlands delineated at the site lack adjacency and surface water connections to a water of the US. Furthermore, a link to interstate commerce could not be identified.**

The site is under consideration for residential development. Detailed development plans were not provided with the delineation. Potential impacts to the wetland are not known.